REMARKS

Claims 8-10 and 24-26 are pending in the application. As required by 37 CFR § 1.121, Applicant submits a version with markings showing changes to the application. In light of the amendments and following remarks, Applicant believes all the pending claims are now in condition for allowance.

Formal Matters

The Office Action indicated that although the specification is acceptable for examination purposes, it may not be suitable for printing if the patent issues. Applicant has amended the specification to update the status of the applications to which priority has been claimed. Once the case is otherwise allowable, Applicant will submit a substitute specification including all amendments to the spectification.

The § 102(b) Rejection of Claims 8-10 and 24-26

The Office Action rejected claims 8-10 and 24-26 under 35 USC § 102(b) as allegedly being anticipated by "'Checkerboard' DNA-DNA Hybridization," published 1994 by S.S. Socransky et al. (hereinafter "Socransky"). Accordingly, it is asserted that the reference discloses all the features of the claims. For the following reasons, the rejection is overcome.

Socransky has not been shown to describe a substrate including polymer probes having the same sequence that are formed with at least one different monomer addition cycle as claimed. The Office Action indicated that the claims, such as claim 8, could be interpreted that the feature of "formed with at least one different monomer addition cycle" applies to the control sequence, NOT the polymer probes coupled to the substrate.

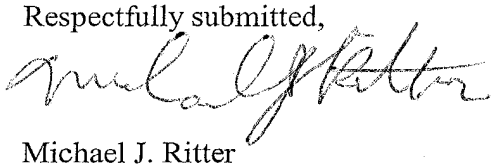
Although Applicant believed that the claims were clear in this regard, especially in light of the specification (see, e.g., page 3, lines 4-6), Applicant has amended claim 8 to recite "the polymer probes are formed with at least one different monomer addition cycle" (emphasis supplied). Accordingly, the rejection is overcome. It is also believed that this amendment overcomes the "product by process" rejection as it was asserted that this feature did not affect the substrate.

As the Socransky has not been shown to disclose all the features of the claims, a prima facie case of anticipation of claim 8 has not been established. The other independent claim, claim 24, was amended in a similar manner so all pending claims are patentable over the reference.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE APPLICATION

In the Specification

The paragraph starting on page 1, line 9 was amended as follows:

This is a continuation **[Continuation]** of Application No. 09/144,514, filed August 31, 1998, now issued as U.S. Patent No. 6,130,046, which is **[which is hereby incorporated by reference. This is]** a continuation-in-part of **[U.S. Patent]** Application No. 09/072,394, filed May 4, 1998, now abandoned, both of which are **[is]** hereby incorporated by reference.

In the Claims

Claims 8 and 24 were amended as follows:

8. (Amended) A substrate having polymer probes coupled thereto, comprising:

a plurality of regions on the substrate in which diverse polymer probes are coupled; and

a plurality of regions on the substrate in which polymer probes having the same sequence are coupled, wherein the polymer probes having the same sequence will bind with a control sequence of monomers but the polymer probes are formed with at least one different monomer addition cycle so that the integrity of the polymer probes may be verified.

24. (Amended) A substrate having nucleic acid probes coupled thereto, comprising:

a plurality of regions on the substrate in which diverse nucleic acid probes are coupled; and

a plurality of regions on the substrate in which nucleic acid probes having the same sequence are coupled, wherein the nucleic acid probes having the same sequence will bind with a control sequence of nucleotides but the nucleic acid probes are formed with at least one different nucleotide addition cycle so that the integrity of the nucleic acid probes may be verified.